

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No.25005/2006 & M.P.No.2/2006

- 1.T.Thankanadan
- 2.Tmt.k,.Sentaamarai
- 3.Tmt.S.Faritha
- 4.S.Neelakandan
- 5.S.Jayaraj
- 6.S.Jagadeeswaran
- 7.Selvi.p.R.Rajeswari
- 8.V.Rajendran
- 9.R.Murugesan
- 10.R.Aravindan
- 11.G.Anand
- 12.Tmt.Shanthi Ayyapan
- 13.R.Rajagopalan
- 14.T.Raghuram
- 15.C.Santhanam
- 16.S.Sandanam

.. Petitioners

Vs

- 1.The Government of Tamilnadu
rep.by its Secretary to Government,
Higher Education Department,
Fort St.George, Chennai 600 009.
- 2.The Director of Collegiate Education,
E.V.K.Sampath Building, Nungambakkam,
Chennai-600 006.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents especially the 1st respondent to pass orders on the appeal submitted before him by the petitioners dated 27.1.2003 fixing their names according to their respective dates of appointment in accordance with the principles underlined in civil Appeal Nos.9417-9418/1995 by the Hon'ble Supreme Court in the combined seniority list consisting of Junior Assistants/Typist/Steno Typists prepared by the 2nd respondent pursuant to his proceedings made in Na.Ka.No.6811/B1/1999 dated 31.5.2001.

For Petitioners : Mr.A.Amalraj
For Respondents : Mr.A.Edwin Prabhakar, GA

ORDER

The writ petitioners have been appointed as Junior Assistants/Typists/Steno Typists during the period 1981 to 1984. In the year 1984, the petitioners services were regularised. In 1983, candidates were appointed for the same type of post through Public Service Commission. It is not in dispute that candidates who are appointed through Public Service Commission are to be placed above the petitioners who were appointed during the period 1981 to 1984 and regularised in the said cadre stated above.

2. Based on that, the seniority list was also prepared and there was also no dispute regarding this aspect. Subsequently, when the candidates were appointed on compassionate ground, they were sought to be placed above the candidates appointed during the year 1983. The dispute arose ultimately and when the matter was taken to the Tribunal, the Tribunal took the decision based on the Special Rules framed in the Tamilnadu Absorption Rules, 1987 by interpreting the word contained in the said rules. The Tribunal also took the view that the word Special Rule cannot confer a special status to the persons who were appointed on compassionate ground. On that basis, it was held that the persons appointed on compassionate ground should come below the persons appointed in 1983. Ultimately, this was confirmed by the Hon'ble Apex Court.

3. As far as the petitioners case is concerned, when there was a revision of seniority list based on the said special rule, they filed an appeal before the first respondent on 27.1.2003. The said appeal preferred by the petitioners has not been disposed of till date. Aggrieved by the same, the petitioners filed the present writ petition for a direction against the 1st respondent to dispose of the appeal dated 27.1.2003 in the light of the Judgment of the Hon'ble Supreme Court confirming the order of the Tribunal in respect of candidates appointed in 1984 through Tamilnadu Public Service Commission..

3. Heard the learned counsel for the petitioners and Mr.A.Edwin Prabhakar, learned Government Advocate, taking notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and also the fact that in respect of the dispute between the persons appointed on compassionate ground and the persons appointed through Public Service Commission, the Hon'ble Supreme Court has already given a decision and there is absolutely no impediment on the part of the 1st respondent in disposing the appeal filed by the petitioners dated 27.1.2003 in the light of the Judgment of the Hon'ble Apex Court.

5. In view of the same, the first respondent is directed to consider and pass appropriate orders on the appeal filed by the petitioners dated 27.1.2003 within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected M.P. is closed.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government,
Higher Education Department,
Government of Tamilnadu,
Fort St. George, Chennai 600 009.

2. The Director of Collegiate Education,
E.V.K. Sampath Building, Nungambakkam,
Chennai-600 006.

1 cc To Mr.A.Amalraj, Advocate, SR.35462.
1 cc To The Government Pleader, SR.35558.

JP(CO)
RVL 22.08.2006

W.P.No.25005/2006

सत्यमेव जयते

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